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SIDNEY LEE'S NEW EDITION OF THE LIFE OF WILLIAM SHAKESPEARE

SOME WORDS OF CRITICISM BY
SIR GEORGE GREENWOOD, M.P.

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SIR SIDNEY LEE'S NEW EDITION OF
A LIFE OF WILLIAM SHAKESPEARE

BY THE SAME AUTHOR

THE SHAKESPEARE PROBLEM
RESTATED

IN RE SHAKESPEARE

THE VINDICATORS OF SHAKES-
PEARE

IS THERE A SHAKESPEARE
PROBLEM?

THE BODLEY HEAD

Sir Sidney Lee's New Edition of
A Life of William Shakespeare
: SOME WORDS OF CRITICISM :
BY SIR GEORGE GREENWOOD, M.P.



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TABLE OF CONTENTS

	PAGE
SIR S. LEE'S WORK A "SHAKESPEARE COMPENDIUM"	7
LAWYERS WHO LACK LITERARY TRAINING - - -	8
LITERARY MEN WHO LACK LEGAL TRAINING - - -	8
LORD CAMPBELL ON <i>Shakespeare's Legal Acquirements</i>	8
LITTLE ERRORS THAT BETRAY LAW WRITERS - - -	9
DR. ABBOTT ON STATUTES AND COMMON LAW - - -	9
MR. J. M. ROBERTSON ON <i>Caveats, Fines, and Recoveries</i>	10
SIR SIDNEY LEE ON "JUDGMENT FROM A JURY"	10
THE STORY OF SHAKESPEARE'S DEER-STEALING - - -	10
THE LAW WITH REGARD TO DEER - - -	11
"HARTS OR DOES" IN CHARLECOTE WARREN - - -	11
IS SIR T. LUCY CARICATURED AS SHALLOW? - - -	12
THE "DOZEN WHITE LUCES" - - -	13
HOLINSHED QUOTED - - -	13
MALONE ON THE DEER-STEALING STORY - - -	14
STATUS OF ACTORS <i>temp.</i> ELIZABETH - - -	15
A MISCITED STATUTE - - -	15
SHAKESPEARE'S LAW—SIR S. LEE'S CHANGED OPINION	17
ALLEGED BAD LAW IN THE <i>Merchant and Measure for Measure</i> - - -	18
COULD JOHN SHAKSPERE WRITE? - - -	19
SIR S. LEE'S VARIOUS STATEMENTS ON THIS POINT	20
HIS CHANGE OF FRONT - - -	21
THE IDENTITY OF WILLIAM SHAKSPERE'S FATHER - - -	22
CHETTLÉ'S SUPPOSED ALLUSION. A PROTEST - - -	22
THE WORD "QUALITY" - - -	24
"SHAKESPEARE" AT THE ROSE THEATRE - - -	25
HENSLOWE'S DIARY - - -	26
THE FOLIO PREFACES AND BEN JONSON - - -	27
SIR S. LEE ON THE WEARING OF MASKS - - -	29

	PAGE
INVENTORY OF THE GLOBE PROPERTY—SUPPOSED PROOF OF	
SHAKSPERE'S REPUTATION - - -	29
DR. WALLACE'S ENTHUSIASTIC INFERENCES - -	30
DR. WALLACE ON "MOUNTJOY" - - -	31
THE LEARNING OF SHAKESPEARE. TWO SCHOOLS - -	31
DR. FARMER'S PRONOUNCEMENTS - - -	32
PROFESSOR CHURTON COLLINS - - -	32
SIR S. LEE'S VIEW - - -	32
SIR S. LEE'S WORK CONSIDERED AS BIOGRAPHY - -	33
HALLAM AND EMERSON QUOTED - - -	33
PRESS REVIEWS OF SIR S. LEE'S WORK - - -	34
MATTHEW ARNOLD'S SONNET - - -	35
NOTE I. SOME UNWISE CRITICISM - - -	36
NOTE II. SOME ERRORS CONCERNING SHAKESPEARE AND	
BACON - - -	40
NOTE III. ANTONIO'S BOND - - -	47
NOTE IV. THE STRATFORD BUST. A QUESTION - -	51

Sir Sidney Lee's New Edition of A Life of William Shakespeare*

SOME WORDS OF CRITICISM

SIR SIDNEY LEE'S new edition of *A Life of William Shakespeare* has been received with a chorus of praise; and deservedly so, for it is, as the *Times* reviewer has called it, a veritable "Shakespeare Compendium" (*Literary Supplement*, December 2, 1915), which no Shakespearean student can afford to do without, as, indeed, a glance at its comprehensive Table of Contents will amply demonstrate.

But mere indiscriminating eulogy is helpful neither to an author nor to his readers. The astronomer who devotes his time to observing the spots on the sun may haply be found to be doing work as useful as one that directs our attention to the more brilliant phenomena of that "glorious lamp of heaven"; and in that spirit I venture to offer some criticism of this valuable work which I think I may claim to be perfectly legitimate, and, perhaps, not altogether unworthy the attention of its distinguished author. It shall be expressed in a manner to which, I trust, no exception can be taken even by the most delicately susceptible of Shakespearean scholars and critics. I put forward no heretical arguments and make no unorthodox insinuations. I merely offer some observations and suggestions which I am bold enough to think ought not to be left out of consideration by the reader of this indispensable "Shakespeare Compendium."

I may, however, be allowed to make one remark, before passing on, with reference to those "recent English sceptics" to whom Sir Sidney Lee has alluded as having questioned the received hypothesis with regard to the authorship of the "Shakespearean"

* *A Life of William Shakespeare*. By Sir Sidney Lee. New Edition, Rewritten and Enlarged. Smith, Elder & Co., 1915.

poems and plays. "These writers," says Sir Sidney (p. 655), "have for the most part been lawyers who lack the required literary training to give their work on the subject any genuine authority." Whereunto I would crave leave to suggest, in the first place, that any question of this kind, if such there be, must be decided not by "authority" but by evidence and argument. But, secondly, may not the "sceptics" fairly retort that there are certain "literary" writers who, though they undertake to instruct us concerning Shakespeare's knowledge of law, "lack the required" *legal* "training to give their work on the subject any genuine authority"? Upon this latter point I would ask permission to say a few words.

"Lord Campbell," writes Sir Sidney Lee, "who greatly exaggerated Shakespeare's legal knowledge in his *Shakespeare's Legal Acquirements* (1859), was the first writer to insist on Shakespeare's personal connection with the law."* Now Lord Campbell, as everybody knows, was Lord Chief Justice of the Queen's Bench, and, subsequently, Lord Chancellor. Whether or not he "greatly exaggerated Shakespeare's legal knowledge" is, I venture to suggest, a question which can hardly be decided with "any genuine authority" by a literary man without legal training. Moreover, I would remark in passing that Sir Sidney Lee's statement that Lord Campbell was "the first writer to insist on Shakespeare's personal connection with the law" must be interpreted with considerable latitude, for not only did Malone, himself a lawyer, express his opinion that "his (Shakespeare's) knowledge of legal terms is not merely such as might be acquired by the casual observation of even his all-comprehending mind," seeing that it "has the appearance of technical skill,"† which surely can only be attained by personal application to the study of law, but Lord Campbell's book was written in answer to

* P. 43, note. In earlier editions Sir Sidney spoke of "Shakespeare's accurate use of legal terms, which deserves all the attention that has been paid it." Edn. 1899, p. 30.

† See Malone's *Shakespeare* by Boswell (1821), vol. ii., p. 108. Malone's opinion in this matter was followed by Steevens and Ritson.

SOME WORDS OF CRITICISM

a question put to him by Payne Collier, who, as his Lordship observes, had expressed his "opinion that Shakespeare had been bred to the profession of the law in an attorney's office," and requests the Lord Chancellor's advice thereon.* Furthermore, Mr. W. L. Rushton, a well-known barrister in his day, published a book called *Shakespeare a Lawyer* (in which he adduced strong arguments in support of "Shakespeare's personal connection with the law"), in 1858, a year before Lord Campbell's book saw the light.

But, whether or not Lord Campbell's book merits all the sneers and contumely that have of late been showered upon it by laymen to whom the proposition that Shakespeare displays in his work exceptionally accurate legal knowledge has proved a stumbling-block, there is at least one statement made by his Lordship, the truth of which cannot be disputed. "There is nothing so dangerous," he says, "as for one not of the craft to tamper with our freemasonry." The justice of this observation has been illustrated over and over again in recent times. One not "of the craft" who ventures to write on matters of legal learning is sure to make some ingenuous non-technical remark betraying the fact that he is not a lawyer. Thus Dr. Abbott—a Doctor of Divinity, not of Laws—informs us that, "In our days Parliament can at once rectify, by a new Act, an injury arising from a judicial interpretation of statutes or from the overriding of statutes by common law."† Now statutes can, and frequently do, override the common law, but the common law cannot override a statute of the realm.‡ No lawyer, therefore, would have written the above sentence. Again, several very instructive examples can be found in Mr. J. M. Robertson's "Shakespearean" writings.

* Lord Campbell's book is in the form of a letter to Mr. Payne Collier, who had asked his "opinion upon the question keenly agitated in late years, whether Shakespeare was a clerk in an attorney's office at Stratford before he joined the players in London?"

† *Life of Bacon*, p. 145.

‡ If there be any case in which it appears to have done so, it will be found to have reference to a statute which the judges held to be "time-expired" and virtually repealed by non-user.

In his book on *Titus Andronicus*, e.g., we read, "Let us formulate all the tests that the problem admits of, first putting a few necessary caveats." * Now no lawyer would speak of "putting a caveat." The legal term is to "enter a caveat." But the most striking illustration of the danger against which Lord Campbell warns those "not of the craft" is furnished by this writer when, in order to provide us with instances in the works of non-lawyer Elizabethan dramatists illustrative of the use of the legal expression, "fine and recovery," he cites from Dekker and Porter passages where those writers employ the word "fine," not as meaning a collusive lawsuit (as in the supposed parallel passage in *The Comedy of Errors*), but in the very ordinary signification of a premium on the grant of a lease! †

But, returning to Sir Sidney Lee, we find that this learned layman himself supplies us with an illustration of the truth of Lord Campbell's proposition, for in his *Life of Shakespeare* (1915, p. 322), he tells us that "on February 15, 1609, the dramatist . . . obtained judgment from a jury against Addenbroke for the payment of £6, with £1 5s. costs." Now a lawyer would never have spoken of obtaining "judgment from a jury," for it is the function of a jury not to deliver judgment (which is the prerogative of the court), but to find a verdict on the facts.

And now, having said so much by way of preface, let me refer to a concrete instance where a little knowledge of law would have preserved Sir Sidney Lee's valuable work from some regrettable mistakes.

At page 34 of the new edition of *A Life of Shakespeare* there is told once more the old story of Shakespeare's deer-stealing at Charlecote, and we are informed that "the law of Shakespeare's day (5 Eliz., cap. 21) punished deer-stealers with three months imprisonment and the payment of thrice the amount of damage

* *Did Shakespeare write "Titus Andronicus"?* p. 59.

† *The Baconian Heresy*, p. 46. A fine, as used in the expression "fine and recovery" has, of course, nothing to do with a money payment; it means a peculiar mode of assurance of land designed to be "*finis et consummatio omnium placitorum*." See an old record of 18 Edward I.

done." But this is a very imperfect statement of the law with regard to "deer-stealing" at the date in question. Deer are animals *feræ naturæ*, in which the common law recognises no property, and therefore they are not, in their wild state, the subject of larceny. It is true that where deer were in a forest, or the "purlieu" of a forest, they belonged to the owner of the forest, but if they escaped out of the forest the first finder might capture them, for, as Coke says, in that case they "are at their natural liberty *et occupanti conceduntur*" (see Coke's Institutes bk. iv., ch. lxxiii, and *Threlkeld v. Smith*, L.R. 1901, 2 K.B. 531). However, there is here no question of a forest, but the statute of 1562, to which Sir Sidney Lee refers, enacted that if any person should wrongfully hunt take or kill deer "*in any park impaled*" he should be liable to the penalties mentioned, and, further, should find sufficient sureties for his good behaviour for seven years, or else continue in prison. Now Nicholas Rowe, whose biography was published upwards of ninety years after Shakespeare's death, wrote that "he [Shakspeare*] had by a misfortune, common enough to young fellows, fallen into ill company; and amongst them, some, that made a frequent practice of deer-stealing, engaged him with them more than once in robbing *a park* that belonged to Sir Thomas Lucy of Charlecote near Stratford." Here, therefore, is an offence disclosed, under the statute in question, if the facts were as stated by Rowe. It appears, however, that, as Sir Sidney Lee writes, "the Charlecote deer-park was of later date than the sixteenth century." How then could Shakespeare have been prosecuted by Sir Thomas Lucy for deer-stealing? Sir Sidney makes light of this difficulty (which, by the way, was, long ago, very forcibly urged by Malone, who, as already mentioned, was himself a lawyer), for, says he, "Sir Thomas Lucy was an extensive game-preserved, and owned at Charlecote a warren in which a few harts or does doubtless found an occasional home." This is a curious statement,

* When dealing with the biography of William Shakspeare I make use of that spelling of his name which he himself seems always to have employed.

whether considered from the point of view of the lawyer, or of the naturalist, or of the sportsman. The hart is the male of the red deer, while the doe is the female of the fallow deer, wherefore I opine that Sir Sidney should have written either "harts or hinds," or "bucks or does." But what of the law of the case? How does it help us if we assume that Sir Thomas Lucy "owned a warren" at Charlecote? Deer, with the exception of roe-deer, were not "beasts of warren," and, therefore, would not have been protected, as they would have been if Sir Thomas had owned a "park" at Charlecote. Manwood, by the way, tells us that harts and hinds were "beasts of the forest," whereas bucks and does were "beasts of the chase." Sir Sidney Lee has married a "beast of the forest" to a "beast of the chase," and appears to think that both are "beasts of warren"! To make the story complete it should be added that, in order to get out of the difficulty, it has been alleged that Shakspeare stole the deer not from Charlecote but from Fulbroke Park, a few miles off; but Sir Sidney himself effectually disposes of this variation of the story, for he tells us that "no portion of Fulbroke Park . . . was Lucy's property in Elizabeth's reign," so that "the amended legend . . . seems pure invention."

It is said, of course, and Sir Sidney Lee subscribes to the tradition (p. 35), that Shakspeare vented his spite against Sir Thomas Lucy by caricaturing him as Mr. Justice Shallow. But Shallow really resembles Lucy in no particular, unless it be in the matter of his armorial bearings, and even there the resemblance is really very slight. "I am sure," writes Mrs. Stopes, with whom, in this instance at any rate, I can cordially agree, "that 'Shallow' was not intended to represent Sir Thomas Lucy; that there was no foundation for the tradition, and that the whole story was built upon a misreading of Shakespeare's plays, and a misunderstanding of his art;"* and the lady gives very good reasons in support of this opinion. Lucy was "a man of many friends, and high social position, he needed no backstairs influence-

* *Shakespeare's Warwickshire Contemporaries* (1907), p. 33.

SOME WORDS OF CRITICISM

at Court," as Shallow did. "Knighthood came to him the year Shakespeare was born ; in his own house." Lucy "had no memories of Clement's Inn, he had never been wild, and, above all, he had always been wealthy, and, so to speak, had always been 'Benedict the married man.'" And more to the like effect. Then, asks the writer, "Is there anything in the action that could suggest Sir Thomas Lucy to a theatrical audience?"

But what of the armorial bearings? "The temptation punningly to confuse 'luce' and 'louse' was irresistible," writes Sir Sidney Lee, "and the dramatist's prolonged reference in the 'Merry Wives' to the 'dozen white luces' on Justice Shallow's 'old coat' fully establishes Shallow's identity with Sir Thomas Lucy of Charlecote."

But is this really so? In the first place, as Mrs. Stopes writes, "Lucy did not bear the dozen white luces, but only three luces argent. Other families bore the same, such as 'Way,' and the family of 'Geddes.'" But what of the pun, which, according to Sir Sidney Lee, Shakespeare found so irresistible? The fact is, this was a very old "wheeze," and I imagine that Shakespeare got it from Holinshed, for there, in Stanihurst's *History of Ireland*, we find the following story:

"Sir William Wise having lent to the king, Henry VIII., his signet to seal a letter, who having powdered" (*seméed*, or spotted) "eremites engray'd in the seal, the king paused and lookit thereat, considering. 'Why, how now, Wise?' quoth the king. 'What!—hast thou *lice* here?' 'An', if it like your majestie,' quoth Sir William, 'a louse is a rich coat; for by giving the louse I part arms with the French king, in that he giveth the *flour-de-lice*.' Whereat the king heartily laugh'd, to hear how prettily so byting a taunt was so suddenly turned to so pleasaunte a conceit."*

* See *The Rosicrucians*, by Hargrave Jennings. 4th edn., p. 56. "The louse is a rich coat," says Wise. It "is an old coat," says Shallow; upon which Sir Hugh Evans remarks: "The dozen white louses do become an old coat well." The field of Sir William Wise's coat-of-arms seems to have been ermine.

Have we not here the probable origin of the pun on "luce" and "louse," without any reference to the name of "Lucy"? Of course there is an old tradition to the effect that Shakespeare wrote a scurrilous and ribald ballad concerning "Lousy Lucy," but I think we shall be well advised if we look upon those miserable verses merely as part of that copious mythology which grew up around the name of Shakespeare many years after his death.

The fact is that Malone administered the *coup de grâce* to this deer-stealing story nearly a hundred years ago. "If, after all, it shall be said," he wrote, "that Sir Thomas Lucy, though he had no park at Charlecote might yet, without any royal leave,* have had some deer in his grounds, and that still our poet may have been guilty of the trespass which had been imputed to him, the objector must be told that no such grounds were protected by the law, everyone having right to kill thereon all beasts of chase as *feræ naturæ*, and that the penalties of the statute of Elizabeth, as well as preceding statutes on this subject, extended only to offences committed in a legal park, [so that] our author, had he even been guilty of the act imputed to him, would not have fallen within the peril of the law. He might indeed have been proceeded against by an action of trespass, but it never has been alleged that any civil suit was instituted against Shakespeare on this ground. In truth the objection which I have now stated is scarcely worth considering, for of keeping deer in unenclosed grounds no example can be produced."†

In the face of all this it seems impossible to maintain that the tradition of Shakspeare's deer-stealing can be true, though whether it be so or not appears to be a matter of very small importance, and why the biographers of Shakespeare should cling to it so tenaciously I am unable to understand, unless it be

* A license from the Crown was necessary for the formation of a deer-park.

† Malone's *Shakespeare*, by Boswell. Vol. ii., p. 147.

SOME WORDS OF CRITICISM

that they feel constrained to support the accuracy of Shakespeare's "earliest biographer," Nicholas Rowe.*

Sir Sidney Lee writes (p. 46) : " The profession (viz., of actor), when Shakespeare joined it was in its infancy, but while he was a boy Parliament had made it on easy conditions a lawful and an honourable calling. By an Act of Parliament of 1571 (14 Eliz., cap. 2) which was re-enacted in 1596 (39 Eliz., cap. 4) an obligation was imposed on players of procuring a license for the exercise of their function from a peer of the realm or ' other honourable personage of greater degree.' In the absence of such credential they were pronounced to be of the status of rogues, vagabonds, or sturdy beggars, and to be liable to humiliating punishments ; but the license gave them the unquestioned rank of respectable citizens."

This statement is not quite accurate. In the first place, the earlier of the two statutes of Elizabeth dealing with this matter is not 14 Eliz., cap. 2, but 14 Eliz., cap. 5 (1572), as appears by reference whether to the "Public Records" Edition of the Statutes, or to Ruffhead's Edition, or to any other edition which I have consulted.† This Act, viz., 14 Eliz., cap. 5, is entitled, "An Act for the Punishment of Vagabonds, and for Relief of the

* I pointed out the above mistakes both of law and natural history in *The Shakespeare Problem Restated* (1908), pp. 24-29. I cannot, of course, lay the flattering unction to my soul that Sir Sidney Lee has done me the honour to read that work ; had he done so I can hardly think he would have left " harts or does " still standing. Yet there is an expression used by him which almost induces me to believe that he has at least glanced at the book. Commenting on two "first state" engravings of the "Droeshout" portrait, he says that in them "the forehead loses the unnaturally swollen and *hydrocephalous* [my italics] appearance of the later states." Now I may be wrong, but I think I was the first to make use of the epithet "hydrocephalous" with regard to the appearance of the Droeshout head. (See *The Shakespeare Problem Restated*, p. 257. "A sheepish hydrocephalous simpleton with leering eyes.")

† I pointed out this error also in *The Shakespeare Problem Restated*, p. 175, and I fancy Sir S. Lee's attention must have been drawn to the correction, because I also pointed out a small verbal inaccuracy in his quotation in the Illustrated Library Edition, 1899, p. 32, viz., "higher degree" instead of "greater degree." Sir S. Lee has now corrected this, but he has unaccountably left standing the mistaken citation of the Statute.

Poor and Impotent." Section 5 gives a definition of " Rogues, Vagabonds, and Sturdy Beggars," among whom are included " All Fencers, Bearwardes, Common Players in Enterludes, and Minstrels, not belonging to any Baron of this Realme, or towards [*sic*] any other honourable Personage of greater degree. All Juglers, Pedlars, Tinkers, and Petty Chapmen; which said Fencers, &c., &c., shall wander abroad, and have not License of two Justices of the Peace at least, whereof one to be of the Quorum." The " license " prescribed by this Statute, therefore, was a license to be granted not by " a peer of the realm " but by Justices of the Peace, though the player would be protected if he was a member of a company " belonging to " any Baron or honourable Personage of greater degree. By Section 2 the punishment of an offender against the provisions of this Act was to be grievously whipped and burnt through the gristle of the right ear with an hot iron of the compass of an inch about, unless he could find some honest person who would take him into service for a year.

The Act of 39 Eliz., cap. 4 (1597) repealed all previous Acts as to Rogues, Vagabonds, and Sturdy Beggars, but it contained much the same definition of them as the former Act, including " All persons calling themselves scholars going about begging. . . . All Fencers, Bearwards, Common Players of Enterludes and Minstrells wandering abroad (other than Players of Enterludes belonging to any Baron of this Realm, or any other honourable Personage of greater degree, to be authorized to play under the hand and seal of Arms of such Baron or Personage)," &c. Under this Act the person offending might be ordered " to be stripped naked from the middle upward and to be openly whipped until his or her body be bloody, and to be sent from parish to parish until he or she should be finally consigned to the parish where he or she was born or last dwelt."

These statutes give a pretty clear idea of the sort of estimation in which the players were held in the time of Elizabeth. No doubt when taken under the patronage of the Queen, or one of

SOME WORDS OF CRITICISM

the great Elizabethan peers, they obtained a respectable position, and were relieved of the risk of identification with Rogues, Vagabonds, or Sturdy Beggars, but it could always be made a reproach against them that they were "in the Statute." *

This is not the place to discuss the question of Shakespeare's legal knowledge, and I have no intention of doing so ; but I must venture to take grave exception to one remark made by Sir Sidney Lee on this branch of the subject. As I have already said, in earlier editions (e.g., in his *Illustrated Library Edition*, 1899), he wrote concerning Shakespeare's alleged "accurate use of legal terms" that it "deserves all the attention that has been paid to it" (p. 30). He has now, apparently, changed his opinion, for he writes, "the poet's legal knowledge is a mingled skein of accuracy and inaccuracy, and the errors are far too numerous and important to justify on sober inquiry the plea of technical experience. No judicious reader of 'The Merchant of Venice,' or 'Measure for Measure' can fail to detect a radical unsoundness in Shakespeare's interpretation alike of elementary legal principles and of legal procedure." (Edition 1915, p. 43.)

Now as to the general statement with regard to "the poet's legal knowledge," I would, first, "enter a caveat." "It may surprise some of my hearers," said the late Dr. Garnett, in the course of a lecture to the London Shakespeare Society, "to be told that so considerable a part of the work which passes under Shakespeare's name is probably not from his hand." Substitute "certainly" for "probably," and we have, I think, a true statement of the case. When, therefore, we are searching for legal knowledge (or legal ignorance) in "the works of Shakespeare," let us be careful to restrict our studies to those plays, or

* "These players," says Asinius Lupus, in Jonson's *Poetaster* (1601), "are an idle generation, and do much harm in a state, corrupt young gentry very much, I know it." To which Tucca replies : "Th' art in the right. . . . They are grown licentious, the rogues ; libertines, flat libertines. They forget they are i' the statute, the rascals ; they are blazoned there ; there they are tricked, they and their pedigrees ; they need no other heralds, I wiss."

parts of plays, which are undoubtedly to be classed as Shakespearean, otherwise we may be grievously misled.

But, coming now from the general to the particular, what are we to say of Sir Sidney Lee's statement with regard to the two plays which he selects as showing Shakespeare's ignorance (for that is what the circumlocution amounts to) "alike of elementary legal principles and of legal procedure"?

The Merchant of Venice is, let it not be forgotten, a comedy, and it is undoubtedly founded on a story told in Ser Giovanni's *Pecorone*, which, as I have shown elsewhere at length, it follows very closely.* Now, to say of the greatest of dramatists, because in this comedy he follows an Italian story—the Jew, the bond,† the pound of flesh, the trial scene, the lady doctor of laws, the episode of the ring, etc., are all there—without so altering it as to make it conform to the principles of English law and procedure, that he must have been ignorant of those principles and of that procedure, appears to me to be a remark the very reverse of "judicious." But this same remark seems to me as little judicious when applied to *Measure for Measure*, a comedy founded on George Whetstone's *Promus and Cassandra*. I cannot, of course, discuss the question here, but I may remark, as a rather curious fact, in view of Sir Sidney Lee's above-mentioned deliverance, that a writer (evidently himself learned in the law) in *The Contemporary Review* of November, 1911, has founded upon a passage in this play a learned and ingenious article to prove that Shakespeare must have possessed accurate knowledge of, or, at any rate, has made a very accurate statement of, an abstruse point with regard to the law of marriage and treason, and adds further that "the play teems with legal references and correct statements of the law, and it is

* See *Is there a Shakespeare Problem?* (John Lane, 1915), p. 90, *et seq.* An American lawyer, Mr. Devecmon, has expressed his opinion that in this famous play the poet who is "not of an age but for all time," "shows a profound ignorance of law and of the fundamental principles of justice"! I hardly think Sir Sidney Lee would subscribe to this sapient dictum.

† As to the bond, see *infra*, note III., p. 47.

SOME WORDS OF CRITICISM

dangerous to dogmatise as to the extent of Shakespeare's legal knowledge " !

I do not myself see how it is possible for a layman to decide this vexed question as to " Shakespeare's legal knowledge." A lawyer may, of course, come to a wrong conclusion concerning it, but how can a layman possibly pronounce an opinion of any value concerning the poet's knowledge of something whereof he is himself ignorant? Meantime the balance of legal authority (*valeat quantum*) is certainly on the side of those who ascribe to the poet an exceptional knowledge of legal terms and procedure.

I will now leave " the dusty purlieus of the law " and come to another matter where criticism is, I think, legitimate and not uncalled for.

In the Illustrated Library Edition of Sir Sidney Lee's *Life of William Shakespeare*, published in 1899, we read in the Preface (p. xii), the following observations anent those who are sceptical concerning the true authorship of the Shakespearean plays: " The sceptics base their destructive criticism on few grounds that merit respect. The only position with the smallest pretensions to consideration which they have hitherto held rests on the assumption that Shakespeare's father and near kinsmen and kinswomen were illiterate and brainless peasants." Let me stop a moment here just to remark that this appears to me to be an overstatement. " The sceptics " certainly made a point of the historical facts, as they were believed to be,* that neither Shakspeare's father nor mother could write, and that some of their kinsmen and kinswomen, including their daughter Judith, were similarly illiterate; but " brainless " is an epithet which seems to me to be thrown in rather gratuitously, by way of prejudice, and which, so far as I know, no rational " sceptic " (if the existence of such a person may, for the sake of argument, be conceded) has ever made use of as part of his case. But, be that

* Halliwell-Phillipps writes of Shakspeare: " Both his parents were absolutely illiterate."

as it may, Sir Sidney Lee continued the passage I have above quoted by the following important statement: "Good ground is here offered for the belief that the poet's father wielded a practised pen." And, further, at p. 5 of the same edition, he wrote of Shakspeare's father, "When attesting documents he occasionally made his mark, but there is evidence in the Stratford archives that he could write with facility."

Now upon this I wrote: * "It is indisputable that John Shakspeare used a mark, not only 'when attesting documents,' but also when executing deeds. If then we are to credit Mr. Lee, we have this very remarkable fact, viz., that one who 'could write with facility' nevertheless deliberately chose to appear as a marksman when executing a deed, the most solemn of all documents; that, too, in an age when to be able to write one's name was something to be proud of, at any rate in the class to which the Shakspeare family belonged. And what says Mr. Halliwell-Phillipps on the point? 'There is no reasonable pretence for assuming that in the time of John Shakespeare, whatever might have been the case at earlier periods, it was the practice for marks to be used by those who were capable of signing their names. No instance of the kind has been discovered amongst the numerous records of his era that are preserved at Stratford-on-Avon, while even a few rare examples in other districts, if such are to be found, would be insufficient to countenance a theory that he was able to write. All the known evidences point in the opposite direction, and it should be observed that in common with many other of his illiterate contemporaries he did not always adhere to the same kind of symbol, at one time contenting himself with a rudely-shaped cross, and at another delineating a fairly good representation of a pair of dividers.' . . . 'When attesting documents he occasionally made his mark,' says Mr. Lee. This implies that *generally* he did not make his mark, or at least that there were occasions when he did not do so. Let us see, then, in original or

* *The Shakespeare Problem Restated*, published in June, 1908, p. 5, *et seq.*

SOME WORDS OF CRITICISM

facsimile, at least one authentic document undoubtedly 'attested' by John Shakspeare with his autograph signature. Until this is produced the 'sceptics' may well be content *stare super antiquas vias.*"

This being the state of the case, and bearing in mind Sir Sidney Lee's most important announcement of the evidence he had discovered, in contradiction of what had been asserted by all previous Shakespearean biographers, viz., that John Shakspeare, though a "marksman," "could write with facility," I naturally turned to the new edition of the "Life of Shakespeare" with great expectations, thinking to find the proof of this statement set forth therein. But, alas, it has all "melted into air, into thin air." We now read of John Shakspeare, "When attesting documents he, like many of his educated neighbours, made his mark, and *there is no unquestioned specimen of his handwriting in the Stratford archives.*"*

We note here that the adverb "occasionally" has been omitted, and in lieu thereof the words "like many of his educated neighbours" are inserted, in order, I suppose, to suggest that, although the promised evidence for it is not forthcoming, he *could* have written ("with facility," I presume) if he had chosen to do so. He was "educated" like his neighbours, and *they* too, or "many" of them, preferred to make their mark "when attesting documents." But where is the evidence of *that*? Are we really to be asked to believe, in direct conflict with the statement of Halliwell-Phillipps, and of all reasonable probability (as it seems to me), that "it was the practice for marks to be used by those who were capable of signing their names"—that is, of course, marks *only* without any autograph signatures attached to them? I can only say once more, "let us see, then, in original or facsimile, at least one authentic document undoubtedly so 'attested'" by one of these "educated" marksmen! Meantime we now know, on Sir Sidney Lee's authority, that

* Edition 1915, p. 6. My italics.

in the case of John Shakspere no such evidence is forthcoming.*

With regard to this John Shakspere, I am reminded of what Professor Saintsbury has recently written in *The Cambridge History of English Literature* (1910, vol. v., p. 165), viz.: "We are not quite certain of the identity of Shakespeare's father; we are by no means certain of the identity of his wife." With this view Sir Sidney Lee seems to be in agreement, so far, at any rate, as "Shakespeare's father" is concerned, for, at p. 3, he writes: "John, the son who administered Richard's estate, was *in all likelihood* the poet's father." Having said this, however, he, apparently, discards all doubts, and John thenceforth ceases to be the poet's "in-all-likelihood" father, and becomes "the poet's father" *sans phrase*. This is certainly convenient, but, perhaps, is not altogether safe.

I now come to a passage in Sir Sidney Lee's work against which I must enter a strong protest, and I will leave it to the reader to say whether it is not justified. I refer to the manner in which Sir Sidney makes use of the famous sentence in Chettle's Preface to his *Kind Hartes Dream* (1592), in which some writers suppose there is an allusion to Shakespeare. Chettle wrote, concerning some unnamed person, "I am as scry as if the original fault had beene my fault, because myselfe have seen his demeanour no lesse civill than he exelent in the qualitie he professes, besides divers of worship have reported his uprightness of dealing, which argues his honesty, and his facetious grace in writing that aprooves his art."

Now I claim to have shown that the person here referred to

* Sir Edward Maunde Thompson writes in *Shakespeare's England* (published since the above was in print): "Neither of the poet's parents appears to have been able to write at all; they simply made their marks in execution of deeds. Of Shakespeare's two surviving children, the eldest, Susanna Hall, wrote a painfully formed signature, which was probably the most that she was capable of doing with the pen; the second, Judith Quiney, we conclude could not write at all, for she signed with a mark." (Vol. i. p. 294.)

SOME WORDS OF CRITICISM

cannot be Shakespeare, but must be one of the three playwrights addressed by Greene in his *Groatsworth of Wit*, who are, in all probability, Marlowe, Nash, and Peele.* But whether I have proved this or not, it is certain that the same contention has been raised by such eminent Shakespeareans as Mr. Fleay and Mr. Howard Staunton, as well as by Mr. E. J. Castle, K.C.; and now Mr. E. K. Chambers, in his article on "Shakespeare" in the *Encyclopædia Britannica* (11th edition) writes: "It is most improbable that the apologetic reference in Chettle's *Kind-harts Dream* (Dec., 1592) refers to Shakespeare." In the face of this body of opinion surely it is incumbent upon every biographer of Shakespeare at least to inform his readers that the person referred to by Chettle is not named by him, and that it is merely an inference that there is here an allusion to Shakespeare, an inference, moreover, which many Shakespearean scholars contend cannot legitimately be drawn!

Yet of all this there is not a word in Sir Sidney Lee's work. He quietly introduces Shakespeare's name into the quotation as though there was no doubt whatever as to the allusion; as though, in fact, Chettle had actually mentioned him by name. It is done in this way: "'I am as sorry,' Chettle wrote, 'as if the original fault had beene my fault, because myselfe have seen his [i.e., Shakespeare's] demeanour no lesse civill than he exelent,' " etc., etc.† And so important does Sir Sidney Lee consider this supposed allusion to Shakespeare that he makes several other references to it. Thus, at p. 86, we read, as though it were ascertained fact: "The publisher Chettle wrote in 1592 that Shakespeare was 'exelent in the qualitie he professes.' " Further references are to be found at pp. 152, 375, and 502, but nowhere is the reader informed that Chettle makes no mention of Shakespeare's name, and that this so-called allusion to him is only an assumption which the orthodox critics above-mentioned maintain

* See *The Shakespeare Problem Restated*, p. 317, *et seq.*, and *The Vindicators of Shakespeare*, p. 65, *et seq.*

† *Op. cit.*, p. 117.

to be quite inadmissible having regard to the documents in question.

Now, surely, I am justified in saying that this is not the way in which Shakespearean, or any other, biography should be written. If Sir Sidney Lee is himself of opinion, in spite of all that has been written against it, that Chettle here makes reference to Shakespeare, by all means let him say so, and let him meet, and demolish if he can, the arguments of those who contend the contrary. But let the reader be at least informed of the true state of the case, and let him not be asked to accept as historical fact that which is, in truth, only a matter of opinion and hypothesis.

But then, it is said, Chettle makes use of the words "exelent in the qualitie he professes," and the word "quality" points to the fact that the person alluded to was an actor. Now it is quite true that this word "quality" is frequently employed with reference to the actor's calling, but it is also made use of with reference to many other callings and professions. Shakespeare himself uses it of an outlaw's occupation, thus: "A man of such perfection as we do in our quality much want" (*Two Gentlemen*, Act IV., Sc. i.), and in Jonson's *Every Man Out of His Humour* (Act IV., Sc. ii.), Shift says: "I have now reconciled myself to other courses, and profess a living out of my other qualities." Heywood, in a letter to Nicholas Okes, prefixed to his treatise, *An Apology for Actors* (1612), uses the word with reference to a printer. Butler, in his *Hudibras*, applies it to a writer. Thus:

" He served his Master
In quality of poetaster."

But if proof be required that the word was so used (i.e., of a writer) in Elizabethan times I need only refer to Florio's *Montaigne* (Book I., ch. x.): "I have in my time seen some who by *writing* did earnestly get both their titles and living . . . affect the ignorance of so vulgar a *qualitie*." The word might, certainly, have been employed with reference to a playwright, for that was a recognised "profession." Thus, in Vaughan's *Golden Grove* (1600), we read: "not inferiour to these was one Christopher Marlow, by profession a playmaker."

SOME WORDS OF CRITICISM

It will be seen, therefore, that the use of the word "quality" by no means of necessity imports that Chettle was alluding to an actor. But even if it were necessary to hold that an actor is referred to, it certainly would not follow that that actor was Shakspeare, for George Peele was, as is generally agreed, one of the playwrights addressed by Greene, and Peele was a successful player,* as well as playwright, and Nash, in an epistle prefixed to Greene's *Arcadia* (1589), writes of Peele's "pregnant dexteritie of wit, and manifold variety of invention, wherein, *me judice*, he goeth a step beyond all that write." Peele, then, was not only "excellent in the quality" he professed, but had much "facetious grace in writing." It is quite possible, therefore, that Peele was intended, though this also is, of course, only hypothesis.

I now turn to another matter. In the earlier editions of Sir Sidney Lee's *Life of Shakespeare* (as, e.g., in the Illustrated Library Edition, 1899, p. 35) we read: "The Rose Theatre was doubtless the earliest scene of Shakespeare's pronounced successes alike as actor and dramatist." In the present edition (p. 60) we find the same sentence, except that the adverb "doubtless" has been omitted from it. I presume that the conclusion we ought to draw from this is that whereas Sir Sidney Lee had formerly some doubt as to the truth of the statement, he now has none; for the word "doubtless" seems generally to be used not in its literal meaning, but rather to imply that there is some doubt in the case. Some critics have found fault with Sir Sidney Lee for using this rather convenient adverb too abundantly, but in the present edition, though I have made no attempt to make an exhaustive enumeration, I have only noticed thirty-four instances of its occurrence,† which in a *Life of Shakespeare*, where so much

* See Fleay's *English Drama*, II., p. 154.

† See pp. 5, 8, 14, 29, 31, 33, 34, 37, 86, 99, 109, 130, 133, 153, 155, 156, 161, 237, 245, 257, 260, 279, 289, 297, 328, 355, 466, 494, 497, 499, 505, 525, 528, 641. The word has been omitted in certain passages, other than that referred to, where it occurred in former editions.

is, necessarily, speculation and hypothesis, seems to me a very moderate allowance.

Sir Sidney Lee, therefore, seems to regard it as an ascertained fact that Shakespeare's earliest "pronounced successes," both as actor and dramatist, were achieved at the Rose Theatre. I am not sure whether we ought to infer from this that Shakespeare, in one or both capacities, had, probably, achieved "successes" even before this time, at some other theatre, although such successes were not "pronounced." If this be not the meaning the epithet seems to be merely an *epitheton ornans*, but, in any case, it seems useless to speculate as to the "scene" of any earlier successes which Shakespeare may, possibly, have won, whether as author or as actor. Even for the Rose Theatre the evidence seems scanty enough. Henslowe opened that theatre on Bankside on February 19, 1592, and in his diary, under date March 3, 1591-2, he makes entry of a receipt in respect of "harey the vj," which he marks as a new play; and there is another receipt in respect of the same play under date March 7 of the same year. Whether this was Shakespeare's *Henry VI.* Part I., or whether this play "was written by Marlowe with the aid of Peele, Lodge, and Greene, before 1590," as Mr. Fleay asserts (*Life of Shakespeare*, p. 107), Shakespeare having only added "the Talbot scenes," on account of which Henslowe marked the play as "new" (which does not really seem very probable), or whether the first part of *Henry VI.* is not Shakespearean at all, has been a matter of much discussion and argument. Henslowe's diary, as Mr. Greg points out, contains no entry of payment to any writer for play-writing before 1597, yet if Shakespeare really achieved his earliest dramatic successes by writing plays for Henslowe's theatre, where he also won success as an actor, it seems strange, as Mr. Furness remarks, that the old manager, who makes this record of *Henry VI.* as a new play, and refers to it several times subsequently, and who also makes mention in his *Diary* of almost every dramatist of his time, should make no mention of Shakespeare.

This, however, is not the place to enter further upon that

SOME WORDS OF CRITICISM

controversy, and I will now, therefore, pass on to other matters which seem to invite comment upon consideration of Sir Sidney Lee's new edition of *The Life of Shakespeare*.

There are, as everybody knows, two prefaces prefixed to the First Folio Edition of Shakespeare's Works, viz., the Epistle Dedicatory, addressed to the "Incomparable Paire," the Earls of Pembroke and Montgomery, and the preface to "the great variety of Readers." These prefaces are signed by the players, Heminge and Condell, but it was long ago contended by George Steevens that the latter preface must have been written by Ben Jonson, and he gave reasons for that contention which seem to me conclusive.* But there are equally good reasons for believing that Jonson was the author of the Epistle Dedicatory also. Some of it is taken direct from the dedication of Pliny's *Natural History*, which is quite in the Jonsonian style, and there is an obvious allusion to a well-known ode of Horace.† Mr. James Boaden had no doubts as to this matter. "Ben," he says, "it is now ascertained, wrote for the Player-Editors the Dedication and Preface to his (Shakespeare's) Works."‡ The Cambridge Editors—and the names of Messrs. W. G. Clark, John Glover, and Aldis Wright must always command respect—are at least so far in agreement that they tell us "the Preface may have been written by some literary man in the employment of the publishers, and merely signed by the players." Nor would this be at all an unusual thing to do. For example, when the folio edition of Beaumont and Fletcher's *Plays* was brought out in 1647, by the publisher Moseley, there was a dedicatory epistle, similar to that of the Shakespeare Folio, prefixed to it, and addressed to the survivor of the "Incomparable Paire," viz., Philip, Earl of Pembroke, and Montgomery, who was then Lord

* See Malone's *Shakespeare*, by Boswell. Vol. ii., p. 663.

† See *The Shakespeare Problem Restated*, p. 264, *et seq.*; Appleton Morgan's Introduction to *Hamlet and the Ur-Hamlet* (Bankside Shakespeare, 1908, p. xxvii.), and *Is there a Shakespeare Problem?* p. 383, *et seq.* "Absolute in their numbers" is also a classical expression to be found in Pliny and Val. Maximus.

‡ See *On the Portraits of Shakespeare*, 1824, p. 13.

Chamberlain. This was signed by ten of the players of the King's Company, but nobody, I imagine, supposes that they wrote it, or any one of them. "The actors who aided the scheme," says Sir Sidney Lee, in his Introduction to the Facsimile Edition of the Shakespeare Folio, "played a very subordinate part in its execution. They did nothing beyond seconding Moseley's efforts in securing the 'copy' and signing their names—to the number of ten—to the dedicatory epistle." From this I conclude that, in Sir Sidney Lee's opinion, the actors in this case, at any rate, did not write the epistle to which they so signed their names. Now in the case of the Shakespeare Folio we know that Jonson wrote the lines facing the Droeshout engraving, subscribed with his initials, and the eulogistic verses signed with his name in full. Is it not reasonable, then, to suppose that he was the "literary man in the employment of the publishers" who wrote the prefaces, as suggested by the Cambridge editors, seeing that these prefaces are, as it seems to me, entirely in his style? Of this opinion was Mr. Andrew Lang,* and recently the argument in favour of the Jonsonian authorship has been again forcibly urged by Professor W. Dinsmore Briggs.†

Sir Sidney Lee, however, will have none of this. "The two dedicatory Addresses," he writes (p. 558), "which the actor-editors sign, contain phrases which crudely echo passages in the published writings of Shakespeare's friend and fellow-dramatist, Ben Jonson"; and, apparently, we are asked to believe that those "deserving men," Messrs. Heming and Condell, not only wrote these prefaces themselves, but made an attempt in each of them to imitate the style of Jonson! To me this does not seem in any way *vraisemblable*. We know very little of Messrs. Heming and Condell, but what we do know certainly lends no colour to the idea that they were capable of writing these prefaces

* At any rate as regards the Preface "to the great Variety of Readers." See *Shakespeare, Bacon, and the Great Unknown* (1912), p. 207.

† See *The Times Literary Supplement*, November 12, 1914, April 22, 1915, and November 18, 1915.

SOME WORDS OF CRITICISM

in Jonsonian style, or of writing anything else, for the matter of that. Moreover, I venture to suggest that the prefaces do not "crudely echo" passages in Jonson's works, but are Jonsonian to the backbone.

I would here call attention to what appears to me a curious suggestion on the part of Sir Sidney Lee with regard to the wearing of masks in the Shakespearean theatre. In the *Midsummer Night's Dream* (Act I., ii., 49), when Quince, the carpenter, suggests that Flute, the bellows-mender, should play "Thisby," the latter exclaims: "Nay, faith, let me not play a woman; I have a beard coming." To which Quince rejoins: "That's all one: you shall play it in a mask, and you may speak as small as you will." Upon this Sir Sidney Lee's comment is: "Men taking women's parts seem to have worn masks" (p. 77). Surely this cannot be a true inference! Female rôles, as we know, and as Sir Sidney mentions, were in Shakespeare's time rendered by "boys or young men." But the suggestion here is, as I understand it, that if men, as distinguished from "young men" took women's parts the practice was that they should wear a mask! Now when the "clowns" performed their ridiculous play of *Pyramus and Thisbe* it would but add to the absurdity of the performance if one or two of them wore female masks in order to appear as women. But to conclude, merely from Quince's suggestion to Flute (for no other evidence is offered us), that this was done by men taking women's parts in serious plays, seems to me, in view of the grotesque appearance of the mask, with its changeless expression and pantomimic effect, to make an assumption which is the very reverse of probable.

Sir Sidney Lee writes (p. 301): "On May 16, 1599, the Globe property was described in a formal inventory of the estate of which it formed part, as 'in the occupation of William Shakespeare and others.' The dramatist's name was alone specified—a proof that his reputation excelled that of any of his six partners." He adds, in a footnote: "This description appears in the 'inquisitio post mortem' (dated May 12, 1599) of the property

of the lately deceased Thomas Brend, who had owned the Bank-side site and had left it to his son, Nicholas Brend."

Here Sir Sidney has followed, and, as it seems to me, been misled by, Dr. C. W. Wallace (*The Times*, April 30 and May 1, 1914). It appears that by deed dated February 21, 1599, Nicholas Brend, Esquire, granted a lease of the Globe Theatre to "Cuthbert Burbage and Richard Burbage, as *half-lessees*, and William Shakespeare, John Hemynges, Augustine Phillipps, Thomas Pope, and William Kempe, as *lessees of the other half*." Now, in the same year, viz., on May 16,* 1599, it seems that "an inquisition *post mortem*" was taken "on the estate of Thomas Brend," wherein, "*inter alia*, enumeration was made of all Brend's Southwark tenements, with the names of their respective occupants," and we are told that "the estate of the deceased was further reported to be possessed" (I give the very quaint Latin as it is quoted by Dr. Wallace) "*Ac de et in una Domo de novo edificata cum gardino eidem pertinenti in parochia Sci Salvatoris praedicta in Comitatu Surria praedicta in occupacione Williemi Shakespeare et aliorum.*"

Dr. Wallace waxes very enthusiastic over this. "It is as if they [the Sewer Commissioners, to wit] said, 'We, the undersigned, personally know William Shakespeare, the dramatist, as the most eminent man among the company who have recently built the Globe Playhouse in our midst.'" All this out of "in occupacione Williemi Shakespeare et aliorum"! But these worthy Commissioners, or the lawyer who prepared the document on their behalf, finding the names William Shakespeare, John Hemynges, and others, in the lease of February 21, 1599, as half-lessees of the Globe, very naturally designate the premises as "in the occupation of William Shakespeare and others." We may note that when, seven years later, on February 14, 1606, these same Commissioners make orders directed to Shakespeare's Company to execute certain works, such orders are directed to "Burbidge and Heminges and others, the owners of the Play-

* Dr. Wallace so gives the date. Sir S. Lee says May 12th.

SOME WORDS OF CRITICISM

house called the Globe." Again, on March 12, 1624 (but a few months after the publication of the First Folio) Mathew Brend executed a deed to increase the jointure of his wife "by assigning to her use for life the Globe theatre and its site"; but on this occasion the premises are described as "now or late being in the possession or occupation of John Heminges, Cuthbert Burbage, Richard Burbage, William Shakespeare, or any of them," and the same description of these parties is to be found in other deeds of that time. Should we then be justified in arguing from the position of Burbage's name in these last-mentioned documents that *he* was singled out as pre-eminent among the actors enumerated? Hardly. Why then should the presumption hold good when Shakespeare's name happens to be mentioned first in the very ordinary circumstances above set forth?

We must all be grateful to Dr. Wallace for his laborious researches at the Record Office and elsewhere, but I fear he is not always a safe guide to follow in Shakespearean criticism. We cannot forget, for example, that he it was who suggested that Shakespeare introduced "Mountjoy" as herald in *Henry V.* in honour of the "tire-maker" of that name with whom he had lodged in "Muggle Street," oblivious of the fact that Mountjoy is the official title of a French herald, and was taken by Shakespeare from Holinshed!*

With regard to the learning of Shakespeare there are, as is well known, two schools of belief. One school, which may be called the Traditional School, following old writers, such as Thomas Fuller, the Rev. John Ward of Stratford, and Nicholas Rowe, and making constant reference to Jonson's line concerning Shakespeare's "small Latin and less Greek," conceive the bard to have had very little learning ("never any scholar," says Fuller), but to have been "a natural wit," writing by plenary inspiration, as it were. The teaching of this school rose to its zenith, or sank to its nadir (according to the glasses through

* "In the morning Montioie, king at armes, and four other French heralds came to the king." Holinshed, edn. 1808, vol. iii., p. 82.

which we regard it) in Farmer's celebrated essay wherein he says that Shakespeare "remembered perhaps enough of his schoolboy learning to put the *hig, hag, hog* into the mouth of Sir Hugh Evans, and might pick up, in the writers of the time, or in the course of his conversation, a familiar phrase or two of French and Italian, but his studies were most demonstratively confined to nature and his own language," and wherein, further, he claims to give "an irrefragable argument that Shakespeare did *not* understand *two* very common words in the French and Latin languages," to wit, the word "*cher*" and the word "*præclarissimus*"!

As against this the advocates of the "learned Shakespeare" school point to "the works themselves," which they contend afford clear proof that the writer must have been a learned man. The most recent and the most convinced representative of this school was the late Professor Churton Collins, who maintained that the poet "could almost certainly read Latin with as much facility as a cultivated Englishman of our own times reads French," that he must have been able to read Latin authors "*ad sensum* with facility and pleasure," that "with some at least of the principal Latin classics he was intimately acquainted; and that through the Latin language he had access to the Greek classics, and that of the Greek classics in the Latin versions he had, in all probability, a remarkably extensive knowledge."

This is a large claim, and Sir Sidney Lee does not put Shakespeare's learning by any means so high as that. We may rejoice, however, to find that he has not followed Farmer, who really represents the bard of our adoration as a very ignorant fellow indeed—a preposterous estimate, as I venture to think, of the author of the wondrous dramas, to say nothing of the poems, of Shakespeare. Sir Sidney, after making mention of Farmer's "theory that Shakespeare knew no language but his own, and owed whatever knowledge he displayed of the classics and of Italian and French literature to English translations," wisely dismisses such an hypothesis. "But several French and Italian books whence Shakespeare derived the plots of his dramas—

SOME WORDS OF CRITICISM

Belleforest's 'Histoires Tragiques,' Ser Giovanni's 'Il Pecorone,' and Cinthio's 'Hecatomithi,' for example—were not accessible to him in English translations; and on more general grounds the theory of his ignorance is adequately confuted" (p. 18). He goes on to say that the poet must also have had a considerable knowledge of Latin. "The original speech of Ovid and Seneca lay well within his mental grasp," from which I presume we may conclude that, in Sir Sidney Lee's opinion, Shakespeare could understand those writers in the original without the necessity of having recourse to translations.

We may, indeed, be thankful for being thus delivered from the incubus of Farmer's extremely clever but, as I have always thought, most unconvincing essay. The bard who is "not for an age but for all time" turns out not to have been an ignoramus after all!

And now what of this work considered as biography? What of the "*Life*" of Shakespeare? Does it bring us nearer to Shakespeare the *man*? Does it enable us to say that, in some measure at least, we know him personally, even as we feel we know Ben Jonson, for example, among the poets contemporaneous with him?

"All that insatiable curiosity and unwearied diligence have hitherto detected about Shakespeare serves rather to disappoint and perplex us, than to furnish the slightest illustration of his character." So wrote Henry Hallam some eighty years ago. But "recent Shakespearean research," says Sir Sidney Lee, "has proved unexpectedly fruitful." There are, for instance, Dr. Wallace's discoveries. We have been introduced to Shakespeare as a lodger with the "tire-maker" (i.e., periwig-maker) in "Muggle Street," and answering interrogatories in the paltry case of "*Bellot v. Mountjoy*." We have obtained new information concerning the shares that he held in the "Globe," and as to the site of that theatre, and about various other matters *ejusdem generis*. How much closer do these things bring us to a knowledge of the man Shakespeare? What value have they as

an "illustration of his character"? Would they be sufficient to induce Hallam to rewrite the passage I have quoted above, were he alive to-day?

"When the question is to life, and its materials, and its auxiliaries, how does he profit me? What does it signify? It is but a Twelfth Night, or Midsummer Night's Dream, or a Winter Evening's Tale. What signifies another picture more or less?" So wrote Emerson, when he turned for a moment from "Shakespeare the Poet" to Shakespeare *the man*, so far as he was then known to us—the man the facts of whose life Emerson could not "marry to his verse." Are we to say that he would now change his tone in consequence of these "unexpectedly fruitful" Shakespearean researches of to-day? Or must we still confess that, as a recent writer has put it: "After all that has been written about Shakespeare we do not know him, and it is pretty certain we never shall"? *

Well, let us see what the critics say, and first let us consult *The Times* reviewer, to whom I have already referred. On the subject of "personal interpretation and miraculous revelation" of Shakespeare, he describes Sir Sidney Lee as "an implacable but orthodox agnostic"! "To him the intimate Shakespeare must remain the great unknowable. . . . Shakespeare himself remains behind the veil, imperturbable, unrevealed, the man in the iron mask. Truth he reveals often on the sublimest scale, as only an artist can; but never about himself. Of intimate personal revelation—nothing!"

Quite as emphatic is the reviewer in *The Daily Telegraph*: "There is so little to say about Shakespeare the man. It would all go into one or two chapters of direct narrative, and it is all a record of external events. . . . These things, however interesting, however in their own branch of knowledge important, are not the exhibition of a human soul, not biography, not

* From *In a Nook with a Book*, by F. W. Macdonald (1907).

SOME WORDS OF CRITICISM

Shakespeare." The material for the Life of Shakespeare " does not leave to us a tangible personality." *

Mr. Thomas Seccombe, in *The Observer*, can but re-echo the remark of *The Times* reviewer, that " Sir Sidney is an orthodox agnostic on the subject of the real Shakespeare. . . . No data exist for personal interpretation." †

Mr. Walter de la Mare, in *The Westminster Gazette* (January 21, 1916), writes: " Nothing can invalidate, no one could appreciate too warmly, the sedulous care, patience, and self-sacrifice of his (Sir S. Lee's) memorial—a full stream fed by the vastest of literary watersheds. But it is, as its author scrupulously describes it, *a Life*. *The Life* is elsewhere."

It seems, then, that, in spite of all the mountainous literature which has accumulated around *The Works of Shakespeare*, of the author of those works we must still be content to know nothing. Sir Sidney Lee's book—I again quote *The Times* reviewer—" has been twisted by a master artificer into the cunning semblance of a biography." But " the essential Shakespeare, wily as ever, conspicuously eludes the revelation of the lens. *The Sphinx remains as Sphinx-like as ever* " !

And Matthew Arnold's poetical verdict still stands unchallenged :

" Others abide our question. Thou art free.
We ask and ask—Thou smilest and art still,
Outtopping knowledge."

* *Daily Telegraph*, December 15, 1915.

† *The Observer*, December 12, 1915. (Perhaps the voices are but one voice ?)

NOTE I

SOME UNWISE CRITICISM

THE "Monthlies" seem to have been less happy in their notices of Sir Sidney Lee's work than the "Dailies" from which I have quoted as above. I subjoin extracts from two of these reviews which decidedly appear to me *not* to have been inspired by the Goddess of Wisdom.

A reviewer in *The Fortnightly* (January, 1916), writes as follows: "The aggregated evidence is convincing beyond all argument, and does not need the supplement of details drawn from the plays, such as the author's continual reference to natural phenomena (plants, for instance) that have a Warwickshire origin, or the fact that Shakespeare's knowledge of astronomy was absolutely limited to the old Ptolemaic theory, while Bacon was fully cognisant of the work of Copernicus."

Now with regard to the argument drawn from "natural phenomena . . . that have a Warwickshire origin," I will only say that its importance—if, indeed, it has any at all—has been ludicrously exaggerated. Plants and birds that are found, words that are—or were—used, in other parts of England, have been constantly referred to as though they were only found or made use of in Warwickshire. This, however, is not the place for a discussion of these fallacies. But what as to the statement with regard to Shakespeare's "knowledge of astronomy" as compared with Bacon's? Well, Bacon, no doubt, was "cognisant of the work of Copernicus," though he, evidently, did not understand it. But the reviewer, possibly, was not aware that Bacon persistently, and even vehemently, adhered to the Ptolemaic system to the day of his death, and that the "Baconians" actually cite this agreement between Bacon and Shakespeare in support of their "heresy"!

SOME UNWISE CRITICISM

I take the next extract from *The Contemporary Review* of the same date. "We may now be sure that no new material will alter the picture of Shakespeare as a business man which appears in Sir Sidney Lee's book : a shrewd, careful man, insistent, and rightly insistent, upon his legal rights, a man who separated, and properly separated, philanthropy from business . . . critics of Shakespeare the man have complained that we know nothing really of him. There is, in fact, to-day no man that we know better. . . . The plays themselves not only reveal a poet of the greatest spiritual and intellectual powers, but *they also reveal just the very personality that the extant material collated here reveals.*" (My italics.)

According to this critic, therefore, there is "no man that we know better" than Shakespeare ! He is thus at variance with the reviewers of *The Times* and *The Observer* and *The Daily Telegraph* and *The Westminster Gazette*, who tell us that the so-called biography of Shakespeare, as set forth in Sir Sidney Lee's book, does nothing whatever to bring us nearer to a knowledge of Shakespeare the man, who is still "the Sphinx" that "remains as Sphinx-like as ever." No, no—we read something about poaching, something about drinking, something about money-lending, something about money-saving, and this, forsooth, brings us in touch with the personality of the bard of our adoration. We see him as his fellows saw him, we become familiar with him physically and mentally. To-day "there is no man that we know better" ! Ben Jonson, for instance, whom we thought we knew so well, whose personality we fondly imagined we could picture as clearly as Gerard Honthorst has pictured his features—we now know Shakespeare much better than we know him. But, observe, the reviewer does not restrict us to Elizabethan times ; he sets no time limit. There is no man even at the present day that we know better than Shakespeare ! *Quantula sapientia !* as the late Mr. Andrew Lang might have said.

But what, then, of the "plays themselves" ? Is it not true

that they " reveal a poet of the greatest spiritual and intellectual powers " ? Yea, verily, that is a proposition that few would be found to dispute. But mark what follows : "*They also reveal just the very personality*" that the material collated by Sir Sidney Lee to form his *Life of Shakespeare* reveals to us ! From " the plays themselves " then, we should, it seems, gather that their author was just such a man as the so-called " Life " presents to us—this " shrewd, careful man, insistent, and rightly insistent, upon his legal rights," concerning whom, most unfortunately, no single generous or meritorious action has been recorded—nay, no single action that can even be described as creditable ! Some persons, the present writer among them, turning with high-wrought expectations, after a first reading of the Shakespeare plays, to a so-called " Life " of Shakespeare, have shrunk back in amazement and dismay and unmitigated disappointment. Was this the man who gave us all that splendid literature ? Was this the man whom the world reveres as the great poet-philosopher of human nature and of human life, who is not of an age but for all time ? Such were the feelings of Hallam, of Coleridge, of Emerson, to cite but three names that hold high place in the hierarchy of literature. But this reviewer is fully satisfied and wholly content. He finds in the life of William Shakspeare of Stratford—all that is known of it—just the very facts that he would have expected to find on record concerning the author of the glorious works of Shakespeare !

Such is the wisdom of the twentieth century.

I remember that during the famous Tichborne trial—a case which gave rise to the most embittered relations between believers and disbelievers—a witness on behalf of the claimant, when confronted with some saying or doing of that worthy which appeared to be absolutely irreconcilable with the character, habits, and position of the real Sir Roger Tichborne, habitually replied that it was " just like Roger " ! And the greater the absurdity of that contention the greater became his assumed confidence that it was " just like Roger " !

SOME UNWISE CRITICISM

In the same spirit some of our Shakespearean critics of to-day, when confronted with such incongruous incidents in the life of William Shakspeare of Stratford as I have alluded to, habitually cry, with equal confidence—real or assumed: “ Ah, yes ; just what we should have expected of Shakespeare ” !

NOTE II

SOME ERRORS CONCERNING SHAKESPEARE AND BACON

IN her latest work, published under the title of *Shakespeare's "Industry,"* Mrs. C. C. Stopes, well known as a diligent and indefatigable writer on all subjects connected with "the immortal bard," lays great stress upon the (alleged) fact that Webster has applied to Shakespeare the epithet "industrious." "Among the many attributes applied to Shakespeare in words and phrases by his contemporaries," she writes, "none is so necessary to our full understanding of his nature as Webster's 'industrious.' " * She had already said the same thing, with much emphasis, in a former work, † and upon this supposed "attribute" she bases the hypothesis that the "industrious" young man from Stratford spent many hours of hard reading after he came to London, with his friend Richard Field, in Vautrollier's printing-office. ‡ This is altogether typical of the manner in which Shakespearean biography is evolved. But, as a matter of fact, Webster never speaks of Shakespeare as "industrious." The plain truth is that, in his preface to the *White Divil*, or *Vittoria Corombona* (1610), Webster makes reference to the works of many contemporary writers, characterising them by such epithets as seemed appropriate to him. Thus, having mentioned the "full and heightened style of Master Chapman, the labored and understanding works of Master Johnson" and "the no less worthy composures" of Master Beaumont and Master Fletcher, he speaks of "the right happy and copious industry of Master Shakespeare, Master Decker, and Master Heywood," obviously alluding, not to any personal

* Work cited, p. 1.

† See *Shakespeare's Environment*, p. 289, and cf. pp. 8 and 141.

‡ See, too, work cited, p. 4. "Fate drove him to London, and we are told by a friend there that he was 'industrious'!"

qualities of those three writers, but to their prolific literary output. The word "copious" alone is sufficient to make this clear, even if it were not a matter of common knowledge that "industry" was thus habitually used in the sense of "output." It is as though I should speak of the "copious industry" of Dickens, Thackeray, and George Eliot, and it is really very remarkable that the "industrious" Mrs. Stopes should have fallen into this error in view of the fact that she actually prints the words of Webster's preface to the *White Devil* upon the first page of her work.

I must take this opportunity of referring to another statement made by this accomplished and most "orthodox" Shakespearean critic, which, I venture to say, is not warranted by the facts of the case. Of Shakespeare's *Comedy of Errors* she writes: "It is rather a remarkable thing that this is the only play which we can *prove* that Bacon did not write."*

Now I hold no brief for the Baconians, but if it may be assumed, for the sake of argument, that Bacon might possibly have been the author of any of the plays, the *Comedy of Errors* is just the one that I should say he might quite conceivably have written. That comedy was, almost certainly, as Mrs. Stopes herself assumes, the play referred to in the pamphlet entitled *Gesta Grayorum*, as having been acted in Gray's Inn Hall in the year 1594.

Now who was the author of this pamphlet? Those who are familiar with *A Conference of Pleasure*, published by James Spedding, know that that eminent critic had no doubt whatever that the speeches of the six Councillors printed therein † were composed by Francis Bacon. "No one," he says, "who is at all familiar with his style, either of thought or expression, will for a moment doubt" this. But, in my judgment, there is good ground for supposing that the whole of the quarto printed in 1688, concerning the doings at Gray's Inn in 1594-5, was written

* Shakespeare's "Industry," p. 25.

† See the *Gesta Grayorum* edited for the Malone Society (Reprints, 1914), at p. 32.

by Bacon. The very fact that his name is not mentioned in the pamphlet is some evidence of this, for there can be little doubt that it was he who was mainly responsible for getting up the plays, masques, devices, and other entertainments provided at the Inn of which he was so distinguished a member, at the date in question; yet while all, or nearly all, the names of the other "Grayi" who took an active part in these entertainments are carefully recorded, his name alone is conspicuous by its absence—a fact which is quite Baconian in its significance. Neither can I have much doubt that he was the "sorcerer or conjurer" who "had caused the stage to be built, and scaffolds to be reared," etc., as recorded in the pamphlet, and who was subsequently the accused in a mock trial for having been responsible for the confusion which took place on the "Night of Errors," and who put in a characteristically Baconian defence, whereby he secured, if not an acquittal, at least a free pardon.*

Now it was this "sorcerer or conjuror," as it appears, who brought the players—Shakespeare's company, as it seems reasonable to assume—to Gray's Inn for the performance of the *Comedy of Errors*, for it was one of the charges against him in the mock trial that "he had foisted a company of base and common fellows [Shakespeare and his fellows, to wit!] to make up our disorders with a play of Errors and Confusions."

Where, then, is the evidence by which we can "*prove*," as Mrs. Stopes asserts with all the emphasis of italics, that this play which, if he were the "sorcerer or conjuror," as I believe he was, he procured to be acted at Gray's Inn, was not written by Bacon? Well, we are told that the entertainment at the Inn on this grand night, viz., "*Innocents Day* at night," ended in confusion and disorder. "So that night was begun, and continued to the end, in nothing but confusion and errors; whereupon, it was ever afterwards called, *The Night of Errors*."

* I have not space to argue this matter at length, but I may refer to Mr. E. W. Smithson's *Bacon-Shakespeare* (1899), p. 59, and *Shakespeare, Bacon, Jonson and Greene*, by E. T. Castle, K.C., p. 212.

ERRORS CONCERNING SHAKESPEARE AND BACON

It is upon this passage, apparently, in the pamphlet in question—which is, obviously, written in a somewhat strained style of irony and jocosity, and which is certainly not meant to be taken *au grand sérieux*—that Mrs. Stopes bases the following statement: “Bacon, with many others, went home perplexed and mortified, brooding anxiously how to retrieve the lost honour of Gray’s Inn, where ‘base fellows’ had usurped the very stage they had destined for themselves.”*

I venture to say that there is no warrant whatever for this statement. It proceeds simply and solely from the lady’s imagination. My belief is that it was Bacon who introduced the players in order that they might perform the *Errors*, and Bacon who, in a Baconian vein of irony, wrote the description of the entertainment at Gray’s Inn, and the confusion in which it ended. There is nothing whatever to suggest that he was either “perplexed” or “mortified,” and so far from feeling annoyance because “base fellows” had “usurped” the stage which he and others had destined for themselves, I believe that the performance of the comedy was part and parcel of his set purpose and design. In fact, the probability is that he planned, and vastly enjoyed, the whole affair. That he was the author of the comedy I should certainly hesitate to affirm in the absence of some cogent evidence to that effect, but I have no hesitation whatever in saying that there is nothing in all this curious history of the doings at Gray’s Inn in the winter of 1594 that can possibly be tortured into “proof” that he did *not* write it.

I will now advert to another Baconian matter, and here I will, once again, venture to criticise an opinion expressed by Sir Sidney Lee.

There is an undated letter—or, rather, the date has, apparently, been removed—addressed by Sir Tobie Mathew to the Lord Viscount St. Alban, in which he says: “I have received your great and noble token and favour of the 9th of April, and can but return the humblest of my thanks for Your Lordship’s

* Work cited, p. 226.

vouchsafing so to visit this poorest and unworthiest of your servants." And in a postscript, which has become notorious, he says: "The most prodigious wit that ever I knew of my nation, and of this side of the sea, is of Your Lordship's name, though he be known by another."

Upon this the question arises: Who was this prodigious wit? The Baconians say that Mathew was here alluding to Bacon himself, who, as they conceive—and rightly, no doubt, with regard to certain literary matter, at any rate—was given to publishing his own compositions under cover of a pseudonym. Sir Sidney, however, tells us that: "According to the only sane interpretation of Mathew's words, his 'most prodigious wit' was some Englishman named Bacon whom he met abroad." And he adds: "There is little doubt that Mathew referred to his friend Father Thomas Southwell, a learned Jesuit domiciled chiefly in the Low Countries, whose real surname was Bacon."*

But here we are confronted with the question: What did Mathew mean by "of this side of the sea"? Where was he when he wrote the letter under consideration? To answer that question it is necessary to ascertain at what date, or at what approximate date, the letter was written. It must have been after January 27, 1621, for that is the date of Bacon's patent as Viscount St. Alban. Mathew speaks of Bacon's "favour of the 9th of April." This could hardly have been of the 9th of April, 1621, for at that date Bacon was in the agonies of his impeachment. It seems, then, that the date may have been in any year from 1622 to 1625 inclusive, but not later, since Bacon died in April, 1626. On the whole, it seems probable that Mathew was in England when he wrote, and the words "of my nation and of this side of the sea" appear to me, in their most natural interpretation, to suggest that implication.† But if that was so, then

* *A Life of Shakespeare*, p. 654.

† Mathew appears to have been in England from 1620 till the death of Bacon in 1626, with the exception of an interval between the end of April and the beginning of October, 1623. See *The Mystery of William Shakespeare*, by Judge Webb (1902), p. 151, *et seq.*

ERRORS CONCERNING SHAKESPEARE AND BACON

"this side of the sea" does not refer to the Continent, and there can be no allusion to a Jesuit "domiciled in the Low Countries." But, secondly, are we really to suppose that Sir Tobie Mathew, while acknowledging a "great and noble token" from the man for whom he had an unbounded reverence and admiration, and whom he calls "a creature of incomparable abilities of mind," would have added a postscript to the effect that however great a wit Bacon might think himself he was in reality far surpassed by a certain Jesuit whose real name was Bacon, but who assumed another? This, be it observed, is thrown in quite casually and with no apparent connection with what has gone before, as though Mathew had said: "Oh, by the way, my lord, there is a much greater wit than you—a most prodigious wit named Bacon, though he does not call himself so. Pray make a note of it!"

Sir Sidney calls Thomas Southwell a "friend" of Mathew. I do not know what the evidence is for this friendship. A Baconian heretic says: "There is not the slightest evidence that Mathew ever met Southwell," nor the slightest justification for saying that Southwell was a "prodigious wit."* If that be so, Sir Sidney Lee's "interpretation" can hardly be said to hold water, but there may be evidence of the "friendship" between Mathew and Southwell, and of the brilliancy of the latter's wit of which I am not aware. Unfortunately, Sir Sidney does not supply us with it, nor are we helped by the Dictionary of National Biography.

What the "great and noble token" was we do not know, but it seems probable that it was one of Bacon's works, since he was in the habit of sending such presents to Mathew, whom he calls his "Inquisitor," because of this habit of sending to him his writings for perusal and criticism; but Mathew, in accordance with that secretive style which is characteristic of his correspondence, does not mention the name of the work received.†

* *Bacon and Tobie Mathew. Baconiana*, April, 1916, by Parker Woodward.

† With the letter under consideration we may compare another of Mathew's to Bacon, in which, having apparently received some other work,

I repeat, I hold no brief for the Baconians, but that, I apprehend, is no reason why I should subscribe to Sir Sidney Lee's interpretation of "the most prodigious wit of my nation and of this side of the sea" if it does not seem to be in accordance with the probabilities of the case. It is really quite possible that Mathew was alluding to Bacon himself. That would be quite in accordance with his style of writing in this curious correspondence. But if it were so it would hardly follow that Bacon wrote under the name of Shakespeare ! *

he writes : "I will not promise to return you weight for weight, but *measure for measure*, and I must tell you beforehand that you are not to expect any other stuff from me than fustian and bombast and such wares as that. For there is no venturing in richer commodities, and much less upon such as are forbidden," etc., etc.

* Sir Sidney Lee says of Bacon that his translation of the Psalms into English verse "convicts him of inability to rise above the level of clumsy doggerel." Now Milton's rendering of the Psalms into English verse is even worse, from a poetical point of view, than Bacon's, and if we knew only his unhappy translation of the Psalms and none other of his poems we might pronounce of the author of *Paradise Lost*, as confidently as Sir Sidney pronounces of Bacon, that he too was unable "to rise above the level of clumsy doggerel" ! I cannot think that such criticism is either just or wise. It seems to me a remarkable specimen of a faulty and imperfect induction. Let us at least be just to the memory of the "large-browed Verulam."

NOTE III

ANTONIO'S BOND

THE fact that Shylock, in the *Merchant of Venice* (Act I., Sc. iii.) is made by the dramatist to speak of the obligation by which Antonio was to secure the repayment of the ducats advanced to him, as a "single bond," has been frequently adverted to in support of the argument that Shakespeare could have had no real knowledge of law. Thus Mr. Devecmon, a Maryland lawyer, commenting on the words, "Go with me to a notary ; seal me there your single bond," says : "It is hardly conceivable that any lawyer, or anyone who had spent a considerable time in a lawyer's office, in Shakespeare's age, could have been guilty of the egregious error of calling a bond with a collateral condition a 'single bond.' A single bond, *simplex obligatio*, is a bond without a collateral condition, but that described by Shylock is with collateral condition."*

Notwithstanding this confident pronouncement, I venture to say that the "error" is not Shakespeare's, but one of the many mistakes of which this critic, who appears to be very inadequately equipped to deal with the matter in question, has been guilty in treating of Shakespeare's law.

In the first place, I may mention that those distinguished Shakespearean scholars, the Cambridge Editors, tell us that the expression a "single bond" may be properly used of a bond without sureties.† I do not rely upon this, however, as I propose to show that Antonio's bond was *not* a "conditional" bond, as that expression is understood by lawyers, but really a "single bond."

* See *In re Shakespeare's Legal Acquirements*, by William C. Devecmon (1899).

† So, too, Mr. Israël Gollancz, in the "Temple" Edition of the play. Glossary, p. 124.

"Bonds," as we read in the *Encyclopedia of the Laws of England* (Vol. ii., p. 334, Art. "Bond," 1906) "have usually a condition annexed to them that on the person bound paying so much money, or doing some specified act, the bond shall be void." A bond without such a condition is called a "single bond." A well-known example of a bond with collateral condition is a recognizance. Take, for example, a recognizance of bail, where he who tenders himself as bail for the accused acknowledges himself to owe to H.M. the King a certain fixed sum. The document then proceeds as follows: "The condition of the within-written recognizance is such that whereas the said A. B. was this day charged before us the Justices within mentioned for that, &c. . . . if therefore the said A. B. will appear at the next Court, &c. . . . and there surrender himself, &c. . . . then the said recognizance to be void, or else to stand in full force and virtue."*

Let us now consider Antonio's bond in the light of this brief legal summary. Antonio bound himself to pay to Shylock a certain sum of money "on such a day, in such a place."† And what was the "condition" upon the performance of which the bond was to become void? There was no such condition. Antonio binds himself absolutely to pay this certain sum at a certain place on a certain day. True, there was a penalty attached if he failed to do so. In that case he was to forfeit a pound of flesh. But that was not a "condition" upon the performance of which the bond was to become void. On the contrary, it was a penalty pure and simple, dependent for its effect upon the existence of the bond. Of course, if it could be said that Antonio entered into an obligation to allow Shylock to cut off a pound of his flesh, "on such a day, in such a place," the "condition" of the bond being that if he paid a certain sum of money at a fixed date, then the bond should become void, in that case the bond

* As to bonds, see further *Stephen's Comm.*, 11th edition (1890). Vol. ii., p. 117.

† *Merchant of Venice*, I., iii, p. 147.

ANTONIO'S BOND

would be a "conditional" one. But we have only to refer to the passage cited in the *Merchant* to see that this was not so, for, I repeat, Antonio bound himself *to pay the money* at a fixed time and place, without condition or qualification ; and, says Shylock, if he did *not* do so

" . . . let the forfeit (i.e., the penalty)
Be nominated for an equal pound
Of your fair flesh."

And, further on, he asks :

" If he should break his day, what should I gain
By the exaction of the forfeiture ? "

So that the " obligation " was not to allow the pound of flesh to be cut away ; the " obligation " was to pay the money, subject to the penalty (or " forfeiture ") named, which was to be enforced, if the Jew so pleased, upon the obligor's failure to pay the money.

But this, I apprehend, is not what the law calls a bond " with collateral condition." It is a " single bond " with a penalty attached in the case of non-payment. It is true that Shylock speaks of " such sum or sums as are expressed in the condition," but it is clear that the word " condition " here is not used in the technical sense, but means merely a term of the agreement ; indeed, that this is so manifestly appears by a reference to the original Italian from which the story is taken, viz., the *Pecorone* of Ser Giovanni. Here we read : " E perchè gli mancavano dieci mila ducati, andò a un Giudeo a Mestri, e accattogli *con questi patti e condizioni*, che s'egli non glie l'avesse renduti dal detto dì a San Giovanni di giugno prossimo a venire, che 'l Giudeo gli potesse levare una libra di carne d'addosso di qualunque luogo e' volesse," i.e., " As he wanted still ten thousand ducats, he applied to a Jew at Mestri, and borrowed them *on these terms and conditions*, that if they were not repaid on the feast of St. John in the next month of June, the Jew might take a pound of flesh from any part of his body he pleased." This clearly shows whence the dramatist took the word " condition," which he puts

into Shylock's mouth, and that its meaning is only such as I have endeavoured to explain above. It is from not observing this that the critics have been misled into charging Shakespeare with "bad law," because he calls Antonio's obligation a "single bond," which in reality it was.

There is, of course, no reason why a bond should not be drawn in the form above set forth. If it be objected that such a form of bond is not in accordance with our English practice, my answer is that in all this story Shakespeare merely follows Ser Giovanni's *Pecorone* (Day IV., Novel I.,) as I have shown at length in *Is there a Shakespeare Problem?* (p. 90, *et seq.*), and it appears to me futile to attempt to base upon this comedy any argument as to the dramatist's knowledge of law or the want of it.

NOTE IV

THE STRATFORD BUST. A QUESTION

AS is well known, Sir William Dugdale's engraving of the Stratford Bust, in his *Antiquities of Warwickshire* (1656), shows an effigy of Shakespeare which differs entirely from that which we now see in the church at Stratford-on-Avon. There seems to be no doubt that this engraving was made from Dugdale's own drawing, which I have inspected through the courtesy of Mr. W. F. S. Dugdale, of Merevale Hall. According to Sir Sidney Lee, the remarkable difference between the picture and the assumed original is fully accounted for by "Dugdale's unsatisfactory method of delineation." We are to suppose that the old antiquary did not make the sketch directly from the monument, but "depended so completely on his memory that little reliance can be placed on the fidelity of his draughtsmanship in any part of his work" (p. 524). I do not wish to enter upon this controversy. There is much to be said on both sides of the question. But in the just-published *Shakespeare's England* (vol. ii., p. 248) there is an excellent picture of the bust, as it now exists, which brings out very clearly a peculiar feature which strikes every attentive observer of the effigy. It represents a man who has shaved the upper part of his moustache so as to leave a clear space between the nose and the hair which is unknown to nature, and has also shaved the lower part thereof, so as to leave a clear space between the hair and the upper lip. There is, also, a clear line cut between the two halves of the moustache. Now we know from old portraits that this fashion of shaving was in vogue at a later date, more especially in the time of Charles II. But does any example of it exist in the bust or portrait of an Englishman before 1616? If so, it would be interesting to be referred to it. So far as I know, the fashion

is of a later date than that of Shakespeare, but perhaps the expert will be able to show me that I am wrong in so thinking. There is the further observation to be made, that no other portrait, or supposed portrait, of Shakespeare shows this peculiarity. Did he adopt it for this occasion only? This appears to me a curious point, and I have not yet seen it dealt with.

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